

JAN 29 2007

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**GROUP ART UNIT 2162
PATENT
DOCKET NO. 1352-2**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Silas W. Dunsmore et al. **EXAMINER:** Dennis V. Myint
SERIAL NO.: 10/608,722 **GROUP ART UNIT:** 2162
FILED: June 26, 2003 **DATED:** January 29, 2007
FOR: **METHOD AND APPARATUS FOR EXCHANGING SUB-HIERARCHICAL STRUCTURES WITHIN A HIERARCHICAL FILESYSTEM**

Via FAX: 571-273-8300
Attn: Dennis Y. Myint, Art Unit: 2162
Commissioner for Patents
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Alexandria, Virginia 22313-1450

AGENDA FOR EXAMINER'S INTERVIEW

Dear Sir:

1. With reference to the Maurer III reference, Applicants would like to distinguish between the swapping procedure described in paragraph [0112], and the relocation procedure described in paragraph [0115]. The Examiner states that copying is used in the relocation procedure, but not in the swapping procedure. Applicants believe that the swapping procedure does not provide for relocation of the second root directory from the second location to the first location which is occupied by the root directory of the HFS, as cited in Applicants' independent claims.

2. The Examiner responded to Applicants' argument that there is no motivation to combine Maurer III et al. with Hensley et al. without addressing the reason supplied by Applicants, which focuses on the differences between the architectures described by Hensley et al. and Maurer III et al. Specifically, Hensley et al. describes a hierarchical file system (HFS) including a first and second sub-hierarchy. A first bootstrap file is used to boot the computer using the first sub-hierarchy, and a backup bootstrap file is used to boot the computer using the second sub-hierarchy. Maurer III, on the other hand, describes using two distinct and separate file systems, LUNS, which are not included in one HFS. There is no motivation to combine features of the system described by Maurer III et al. with the system described by Hensley et al. when the systems are different architecturally. Furthermore, Claim 1 recites that the first and second sub-hierarchies are both included in one HFS, and Maurer III et al. does not meet that limitation.

Please call me if you require any further information.

Respectfully Submitted,

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